IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.26908 of 2003

Between:

1 Abdul Khadeer Baig,

S/o Late Abdul Sattar Baig,
R/o 8-2-350, Road No. 3,

Banjara Hills, Hyderabad-34.
2 Mohd. Younus Khan,

S/o Late Md. Mahoob Khan,
R/o 10-2-347/B/49, Asif Nagar,

Hyderabad.
3 Mohd. Abdul Adam Baig,

S/o Late Abdul Qayyum Baig,
R/o G-3, A.K. Enclave, Road No.3,

Banjara Hills, Hyderabad-34.
4 Abdul Rahman Baig,

S/o A.K. Baig,
R/o 8-2-350, Road No.3, Banjara Hills, Hyderabad - 34.
5 Mohd. Osman Adil,

S/o Mohd. Abbas,
R/o 8-2-233/B, Road No.3,

Banjara Hills, Hyderabad - 34.

..... PETITIONERS

AND

1. The Government of Andhra Pradesh,

rep. by Principal Secretary, Minority Welfare (Wakf-I)

Department, Secretariat, Hyderabad.

2 Sri N.M. Farooq,

The Hon'ble Minister for Higher Education &

Minority Welfare, Government of A.P.,

Secretariat, Hyderabad.

3. The A.P.Wakf Board, rep. by its

Chairman, Hyderabad.

4. Sri Omer Jaleel, 45 years,

Business, R/o Flat No.101,

Royal Residency Apartments,

Humayun nagar,

Hyderabad.

(RR 3 & 4 are added as respondents as per Court order dated
22-09-2004 in WPMP No.18969 of 2004)

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or order or direction, more particularly one in the nature of Writ of mandamus, declaring; (a) the action of the 1st Respondent in issuing G.O.Ms.No. 42, dated
3-12-2003; (b) the action of the Wakf Members in not promoting or and protecting the Wakf property, by suppressing the title documents of wakf land in Guttala Begumpet, Hyderabad; and (c) trying to regularise the encroachments of the wakf property in Ghalib Shahid Darga, Vijayawada, for a price, which is much less than the rates proposed by three-men committee in 1995, as arbitrary, illegal and consequently direct the continuance of Sri Mohd. Ali Rafath, IAS, as member of the Wakf Board or

alternatively to investigate into suppression of the documents and the events culminating the Wakf Board losing the Guttala Begumpet lands case by fixing up the responsibility for the concerned, while directing the Wakf Board to protect the wakf property by preferring an Appeal against the orders passed by Land grabbing Tribunal together with documents evidencing the title to the Wakf Land, together with a direction to the Respondents not to regularise the encroachments of land in Ghalib Shahid Darga, Vijayawada, for a price lower than the one fixed by the three men committee in April, 1995.

Counsel for the Petitioner :Mr. S.ASHOK ANAND KUMAR

Counsel for the Respondent Nos.1 & 2: Govt. Pleader for Social Welfare

and Mr. A.M.Qureshi,

Standing counsel for Wakf Board.

The Court made the following :

ORDER: (Per Hon'ble the Chief Justice)

Insofar as the challenge to G.O.Ms.No.42 Minorities Welfare (Wakf-I) Department dated 03-12-2003 is concerned, the same cannot be permitted to be challenged in a petition filed as public interest litigation not at the behest of those affected by G.O., but others. Second prayer in the writ petition is that action is not being taken by the Wakf Board to protect the Wakf property. It is alleged that land-grabbing case was allowed to be decided without protecting the interests of the Wakf and no action is

being taken to initiate proceedings against the orders of the Special Court under A.P. Land Grabbing (Prohibition) Act, 1982.

Learned standing counsel for the Wakf Board states that a writ petition has already been filed in this Court questioning the orders passed by the Special Court under A.P. Land Grabbing (Prohibition) Act and the writ petition has been admitted for hearing.

Learned counsel for appellants submits that interests of the wakf are not being protected properly and valuable property of the wakf is likely to be alienated for a paltry amount. Needless to add that a writ petition for such relief is speculative at this stage. The Wakf Act, 1995 is a piece of legislation, which prescribes the manner in which wakf properties have to be protected and managed. Before parting with wakf properties, there is procedure, which requires to be followed and objections have to be invited against the proposed alienation, if any. As such, we are not inclined at this stage to interfere in this writ petition and proceed to dismiss the writ petition with liberty reserved to the petitioners to seek appropriate relief by initiating separate proceedings in accordance with law.

The writ petition is accordingly dismissed.

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DEVINDER GUPTA, C.J.

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C.V.RAMULU, J

22-09-2004

bsc

To

1. The Principal Secretary,

Minority Welfare (Wakf-I) Department,

Government of Andhra Pradesh,

Secretariat, Hyderabad.
2. 2 CCs to Govt. Pleader for Social Welfare, High court buildings,

Hyderabad (OUT).

3. 2CD copies